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8 CELLCO PARTNERSHIP (D/B/A VERIZON WIRELESS)

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 JOSEPH RUWE and ELIZABETH  
14 ORLANDO, Individually and on behalf of  
all others similarly situated,

15 Plaintiffs,

16 vs.

17 CELLCO PARTNERSHIP, d/b/a  
18 VERIZON WIRELESS,

19 Defendants.

CASE NO. C 07-03679 JSW

**~~[PROPOSED]~~ ORDER GRANTING  
DEFENDANT'S MOTION FOR STAY**

DATE: July 17, 2009

TIME: 9:00 a.m.

PLACE: Courtroom 11, 19th Floor

JUDGE: Hon. Jeffrey S. White

**The Honorable Jeffrey S. White**

**[PROPOSED] ORDER**

Defendant Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") has moved the Court for an order staying this matter pending the outcome of proceedings before the Federal Communications Commission ("FCC") on whether state-law challenges to late fees are preempted by federal law.

After considering the briefs, the arguments and all other materials properly presented to this Court, the Court concludes that this litigation should be stayed pending the outcome of the FCC proceedings. The Court finds that a stay is warranted pursuant to the primary jurisdiction doctrine. The Court also concludes that it is appropriate to exercise its inherent discretion to stay this matter.

Accordingly, the Court HEREBY STAYS this Action pending the outcome of proceedings before the Federal Communications Commission.

In light of the stay, the motion for certification of orders is DENIED as moot and the hearing set for Friday, July 17, 2009 is VACATED.

**IT IS SO ORDERED.**

DATED: July 10, 2009

  
JEFFREY S. WHITE, JUDGE  
UNITED STATES DISTRICT COURT